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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/609,180 | 06/27/2003 | Arjun Krishnan | 042933/262664 | 7645 |
| 826 | 7590 | 12/23/2004 | EXAMINER | |
| ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000 | | | AFSHAR, KAMRAN | |
| | | ART UNIT | PAPER NUMBER | |
| | | | 2681 | |

DATE MAILED: 12/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|--|------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/609,180 | KRISHNAN, ARJUN |
| | Examiner <i>K. P.</i> Kamran Alshar, 703-305-7373 | Art Unit 2681 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-25 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-25 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 27 June 2003 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>6/27/2003</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claims 1, 9-10, 17-18 and 25 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
2. Regarding claims 1-2, 9-10, 17-18 and 25, the phrase "such that" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).
3. Claims 3-8, 11-16, 19-24 are rejected, as being directly or indirectly depended from rejected independent claims 1, 9, 17, 25.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, 5-11, 13-19, 21-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Alanara (U.S. Patent 5,794,156).

With respect to claim 1, Alanara discloses a method of delivering a service to a mobile station comprising: receiving an alert message to thereby initiate a call to the mobile station (See e.g. Distinctive alert, Step 1 of Fig. 3, Co. 1, Lines 60-62), wherein the alert message is received by the mobile station from a network entity over a traffic channel (See e.g. Page (Distinctive alert) directed to MS from (MSC / VLR) of Fig. 3, Co. 1, Line 63-64); and entering one of a conversation and information transfer state based upon the alert message without the initiated call first being answered (See e.g. Step 4 of Fig. 3, Co. 1, Lines 64-66), wherein the one of the conversation and information transfer state is entered such

that the service can be delivered to the mobile station (See e.g. Steps 5-8 of Fig. 8, Co. 1, Line 66 – Co. 2, Line 9 and For More Flow chart of Fig. 4).

Regarding claims 2, 10, 18, Alanara discloses transmitting a connect message in response to the alert message without the initiated call first being answered (See e.g. Step 4 of Fig. 3, Co. 1, Lines 64-66), wherein the connect message is transmitted over the traffic channel from the mobile station to the network entity; and establishing a communication link with the mobile station over the traffic channel such that the service can be delivered to the mobile station over the communication link (See e.g. Steps 5-8 of Fig. 8, Co. 1, Line 66 – Co. 2, Line 9 and For More Flow chart of Fig. 4).

Regarding claim 3, 11, 19, Alanara discloses transmitting a connect message without first waiting for an answer to the call (See e.g. Steps 1-8 of Fig. 3).

Regarding claims 6, 14, 22, Alanara discloses the mobile station to receive the service without the initiated call first being answered, wherein the mobile station is configured before receiving the alert message (See e.g. Flow chart of Fig. 4).

Regarding claims 8, 16, 24, Alanara discloses alerting a user of the call after receiving the alert message such that the user can answer the incoming call, wherein entering one of a conversation and information transfer state comprises entering one of a conversation and information transfer state if the user does not answer the incoming call (See e.g. Flow chart of Fig. 4).

With respect to claim 9, Alanara discloses a mobile station (See e.g. 10 of Figs. 1-2), comprising: a receiver (See e.g. 16 of Fig. 1) capable of receiving an alert message over a traffic channel (See e.g. Distinctive alert, Step 1 of Fig. 3, Co. 1, Lines 60-62) from a network entity to thereby initiate a call to the mobile station (See e.g. Page (Distinctive alert) directed to MS from (MSC / VLR) of Fig. 3, Co. 1, Line 63-64); a controller (See e.g. 18 of Fig. 1) capable of entering one of a conversation and information transfer state based upon the alert message without the initiated call first being answered (See e.g. Step 4 of Fig. 3, Co. 1, Lines 64-66), wherein the one of the conversation and information transfer state is entered such that the mobile station can receive a service (See e.g. Steps 5-8 of Fig. 8, Co. 1, Line 66 – Co. 2, Line 9 and For More Flow chart of Fig. 4).

With respect to claims 17, 25, Alanara discloses a system for delivering a service to a mobile station (See e.g. Fig. 2) comprising: a network entity (See e.g. 30, 34, 32 of Fig. 2) capable of initiating a call by transmitting an alert message over a traffic channel (See e.g. Page (Distinctive alert) directed to MS from (MSC / VLR) of Fig. 3, Co. 1, Line 63-64); and a mobile station capable of receiving the alert message (See e.g. Distinctive alert, Step 1 of Fig. 3, Co. 1, Lines 60-62), and thereafter entering one of a conversation and information transfer state based upon the alert message without the initiated call first being answered (See e.g. Step 4 of Fig. 3, Co. 1, Lines 64-66), wherein the one of the conversation and information transfer state is entered such that the service can be delivered to the mobile station (See e.g. Steps 5-8 of Fig. 8, Co. 1, Line 66 – Co. 2, Line 9 and For More Flow chart of Fig. 4).

Regarding claims 5, 13, 21, Alanara discloses delivering the service, wherein the service comprises at least one a voice message, a voice clip, a video clip and a multimedia clip (See e.g. voice announcement, Co. 7, Lines 32-35).

Regarding claims 7, 15, 23, Alanara discloses receiving an alert message from a network entity comprising a Base Station/MSC/ Interworking function (BMI) (see e.g. 32 of Fig. 2, Co. 1, Lines 31-36, Co. 2, Lines 32-49, Co. 3, Lines 51-55).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4, 12, 20, are rejected under 35 U.S.C. 103(a) as being unpatentable over by Alanara (U.S. Patent 5,794,156) in view of Corlett (U.S. Patent 5,832,060)

With respect to claims 4, 12, 20, Alanara discloses everything as discussed above in claim 1. However, Alanara does not teach the method further comprises activating a voice message application to thereby receive the voice message delivered to the mobile station over the communication link. In the same field of endeavor, Corlett teaches a method, a system, and or an apparatus for delivering

information and data to the called party (i.e. the mobile station) from the calling party in an instances the called party does not answer the incoming call or the communication line of the called party is busy, may activate playing voice message to the called party (See e.g. Abstract, Co. 5, Lines 35-40, Figs. 1-5B). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention to provide above teaching of Corlett to Alanara to provide relevant information to the called party via voice message as suggested by Corlett (See e.g. Co. 2, Lines 355-50).

Conclusion

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Kamran Afshar whose telephone number is (703) 305-7373. The examiner can be reached on Monday-Friday.

If attempts to reach the examiner by the telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached @ (703) 308-4825. The fax number for the organization where this application or proceeding is assigned is (703) 872-9306 for all communications.


Kamran Afshar


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